

**From:** Robert Burke  
**To:** Microsoft ATR  
**Date:** 1/24/02 7:32pm  
**Subject:** Comment on the proposed Final Judgement

This email is in regards to the proposed Final Judgement against Microsoft. I have waited this long to comment to make sure I understand the impact of the proposed solution in light of the changing landscape of technology, business, and the law.

To give you my background, I have been a professional programmer for seven years. I have worked in internet related business, scientific software production, IT for a financial institution, and Bioinformatics at UCLA. During my contact with computers, starting in early 1980 at a young age, I have used about every modern operating system and programming tool available in the last decade. Although I don't have and formal legal training, it has overlapped with my computer and business studies on numerous occasion.

From this perspective, I have become very nervous about the results of the proposed settlement in the Microsoft case. The most pressing concern is that non-profit computer projects are not included in the judgement. Most authorities consider software such as Linux, Apache, etc. to be the only real threat to Microsoft in the marketplace. Yet there is no provision in the FJ to get information about "Disclosure of APIs, Communications Interfaces and Technical Information." (Section III(D)) out to the developers that are creating the above software. If this isn't corrected, the FJ will have no positive effect on Microsoft's practices, or the makeup of the computer market.

In order for the Open Source community to gain any ground due to this judgement, all information about MS interfaces needs to be freely available to the public in an easily accessible place. This should have no negative affect on Microsoft beyond the intention of the FJ and will add OS developers to the list of people who can produce software for, as well as interfacing with, MS products.

Also of concern is the definition of "Middleware" in the FJ. Whatever the final definition, it should encompass any interface that may reasonably be used to

interface with MS products.

Thank you for your time.

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